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16 *Lead Counsel for the Class*

17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 **IN RE DIAMOND RESORTS**
20 **INTERNATIONAL, INC. SECURITIES**
21 **LITIGATION**

Civil Action No. 2:18-cv-01355-APG-EJY

JOINT STIPULATION AND
[PROPOSED] ORDER

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1 WHEREAS, the undersigned are counsel for all of the involved parties in the above
2 captioned action (the “Parties”);

3 WHEREAS, the Parties previously filed a stipulation to stay this Action, in
4 contemplation of ongoing settlement discussions, which Stipulation was ordered by the Court
5 on October 4, 2019 (ECF No. 92);

6 WHEREAS, on February 4, 2020, Lead Plaintiff submitted a status update (ECF No.
7 93) informing the Court that a settlement that would resolve this Action was preliminarily
8 approved in *Appel v. Berkman*, C.A. No. 12844-VCMR (Del. Ch. filed Oct. 21, 2016) (the
9 “Settlement”);

10 WHEREAS, on February 20, 2020, the Delaware Chancery Court held a settlement
11 hearing and granted final approval of the Settlement, *Appel v. Berkman*, C.A. No. 12844-
12 VCMR. Trans. ID 64745619 (Del. Ch. Feb. 20, 2020) (“Order and Final Judgment”);

13 WHEREAS the deadline to appeal the Order and Final Judgment has elapsed with no
14 appeal being filed and, as a result, the Settlement has become Effective, under the terms of the
15 Settlement;

16 IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel on behalf
17 of their respective clients, as follows:

18 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), the parties in this case stipulate
19 and agree that plaintiffs hereby voluntarily dismiss all remaining claims in this action, with
20 prejudice, and each party will bear its own attorneys’ fees and costs.

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24 [signatures on following pages]
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Dated: July 9, 2020

SNELL & WILMER L.L.P.

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Respectfully submitted,

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Counsel for Lead Plaintiff ODS Capital LLC

21 SO ORDERED.

22 Dated: _____, 2020

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25 Honorable Andrew P. Gordon
26 United States District Judge
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CERTIFICATE OF SERVICE

I, G. Mark Albright, hereby certify that on July 9, 2020, I electronically filed the foregoing document through the CM/ECF system, which will send notification of such filing to all registered participants as identified on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

DATED: July 9, 2020

/s/ G. Mark Albright
G. Mark Albright

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